

John Doe' protection to get floor vote

By Audrey Hudson

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A late-night agreement yesterday guaranteed that so-called "John Doe" protection — to prevent airline passengers from being sued for reporting suspicious behavior — will get a floor vote in the House and Senate.

"This is a huge win — a hard-fought victory for House Republicans and, more importantly, for the American people," said Peter T. King, New York Republican and ranking member of the House Homeland Security Committee.

The provision survived a contentious congressional process before a House-Senate conference committee agreed just before midnight Tuesday to include the measure in the final draft of the September 11 Commission bill.

The move ensures the provision cannot be amended on the floor. It is expected to come to a vote in both houses of Congress before the August recess.

If passed, the measure will nullify in part a lawsuit filed by six imams against U.S. Airways and unnamed "John Doe" passengers. The legislation was initiated after the imams filed the lawsuit in March claiming that passengers and the airline violated their civil rights by removing them from the flight.

The suspicious activity included changing seats, the seating pattern, moving about the cabin before take-off, criticizing the Bush administration and the removal of Saddam Hussein in Iraq, and asking for seat-belt extension flight attendants said were not needed.

The lawsuit can still go forward against the airline under the proposed law, but the "John Doe" passengers cannot be sued for reporting their concerns to the flight crew.

"I'm pleased that Democratic leaders finally decided to do the right thing and agreed with Republicans that we should be encouraging Americans to report potential terrorist activity to the proper authorities," said House Minority Leader John Boehner, Ohio Republican.

Democrats initially refused to vote on the language last week when congressional leaders officially met in the conference committee to draft the final recommendations of the September 11 Commission. However, Mr. King pledged to work with leading conferee, Sen. Joe Lieberman, Connecticut independent, to insert the provision in the final written report.

Three sticking points in the conference committee were all resolved, said one aide close to the conference process. "We won on the outstanding issues, it was exactly what we were looking for," the aide said.

The outstanding issues that were resolved include stripping the retroactive language that would have allowed the lawsuit to proceed against the "John Doe" passengers; restricting the reporting to terrorism and not other criminal activity, and limiting it to federal lawsuits.

If passed, the law will become retroactive from Oct. 1, 2006.

"Any person who, in good faith and based on objectively reasonable suspicion, makes or causes to be made, a voluntary report of covered activity to an authorized official shall be immune from civil liability under federal, state and local law for such report," the conference language says.

Andrea Rader, spokeswoman for U.S. Airways, said they have been following the legislative fight that began last week. "Airline employees are well-trained in this area, but we believe strongly that an alert public is invaluable in the effort," she said.

The language now mirrors a stand-alone bill sponsored by Mr. Lieberman, Mr. King, Sen. Susan Collins, Maine Republican, Sen. Jon Kyl, Arizona Republican, and Rep. Steve Pearce, New Mexico Republican.

"Despite the Democratic opposition to this important homeland security measure, I'm thrilled to announce that common sense has prevailed and heroic Americans who report suspicious activity will be protected from frivolous lawsuits," Mr. King said.

Added Mr. Boehner; "This much-needed measure is critical in the effort to confront the significant threats posed by al Qaeda and other terrorists and protect the American people."

"I am pleased to see that the pressure we created lead Speaker Nancy Pelosi and Majority Leader Harry Reid to make the right decision about protecting alert Americans," said Pearce. "The American people shouldn't have to think twice about alerting security and law enforcement to potential terrorist attacks."

Mr. Pearce said vigilant citizens are the most useful weapon in the war on terror. "It was unnerving to watch the majority party ignore this fact and push to protect potential terrorists rather than innocent Americans," he said.

Miss Collins noted that a citizen's tip led to the recent arrests in Fort Dix, N.J., that foiled a plot to attack and kill American soldiers, showing the need for the legislation. "Vigilant, watchful citizens are vital to America's homeland security," she said.